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National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Barbados

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I. Overview

1. The development of human rights protection mechanisms by the Government of Barbados has been inextricably linked to the Government's efforts to promote respect for human rights. The Government of Barbados recognises that all persons should be protected against all forms of exploitation. Consequently, there are constant efforts to ensure that the constitutional provisions relating to human rights are adequate and these are buttressed by legislative and administrative measures to prevent the breach of human rights and fundamental freedoms.

2. Barbados continues to confront the challenges created by the downturn in the global economy. Nonetheless, the Government remains committed to the protection and promotion of human rights, especially as it relates to safeguarding the economic and social rights of the most vulnerable and marginalised within the society.

II. Methodology and consultative process

3. The National Report of Barbados for the Universal Periodic Review was prepared by the National Human Rights Coordinating Committee and in accordance with the General Guidelines for the Preparation of Information under the Universal Periodic Review. Consultations were held over a period of ten months. The Ministry of Foreign Affairs and Foreign Trade, as Coordinator, chaired most meetings. Committee members were drawn from a range of Government Ministries, including:

- the Prime Minister's Office;
- the Office of the Ombudsman;
- the Ministry of Social Care, Constituency Empowerment and Community Development, including the Bureau of Gender Affairs; the Child Care Board and the National Disabilities Unit;
- the Ministry of Education Science Technology and Innovation;
- the Ministry of Home Affairs;
- the Ministry of Labour, Social Security and Human Resource Development;
- the Ministry of Culture, Sports and Youth;
- the Ministry of the Civil Service;
- the Office of the Attorney General; and
- the Ministry of Economic Affairs (Barbados Statistical Service).

4. Consultations were also held with a number of stakeholders and civil society organisations. The final report takes into account the results of these consultations held on 31 October 2017 and facilitated by the National Human Rights Officer, Office of the United Nations Resident Coordinator.

III. Developments since 2013 Universal Periodic Review

National Human Rights Institution (Recommendations 32, 35)

5. It should be noted that out of the 115 recommendations arising from the Universal Periodic Review there were four (4) on the explicit matter of creating a National Human Rights Institution (NHRI). The final report of the 2013 Review, at paragraph 87, states that the United Kingdom of Great Britain and Northern Ireland: "urged Barbados to ensure that a Human Rights Advisory Committee be set up to oversee the establishment of the National Human Rights Institution." The recommendation by the United Kingdom of Great Britain and Northern Ireland was surprisingly not included in the final list of recommendations.

6. Barbados had given certain commitments on the conversion of the Office of the Ombudsman into a National Human Rights Institution. However, following a review of the considerable financial, legal, human and other resources which would be required to support the conversion of that Office into a National Human Rights organisation, the Government of Barbados has opted to follow the recommendation of the United Kingdom of Great Britain and Northern Ireland that a human rights advisory committee be set up to oversee the establishment of the national human rights institution, *inter alia*.

7. The National Human Rights Coordinating Committee for Barbados was accordingly approved by the Cabinet to perform the role of a National Human Rights Advisory Committee, and was set up on November 19, 2016. It commenced its meetings on December 14, 2016. Its terms of reference envisage the establishment of a National Human Rights Institution in a phased action plan to suit the capacity of Barbados.

8. This is the first step of a structured process which will provide the data that is crucial to determining how best to structure the final entity that will evolve based on the analysis and the data garnered. It is expected that the Committee will approach the setting up of a National Human Rights Institution with the desired pre-planning, and with early identification of the supporting resources which will be required (financial, legal, human and other resources). The Committee is expected to propose a phased plan for the provision of the necessary resources, over a determined period of time. This is expected to lead to the setting up of the appropriately funded and resourced, and well-coordinated, National Human Rights Institution for Barbados.

Gender (Recommendations 72, 73, 75, 76, 77, 78, 79)

9. It is anticipated that the draft Gender Policy, currently under review, will provide a framework upon which the Government can consider the drafting of legislation to include a specific right of non-discrimination on the basis of gender.

10. The Ministry of Social Care, Constituency Empowerment and Community Development and its Bureau of Gender Affairs have drafted a National Policy on Gender. The Policy contains an analysis of the capacity of the Bureau of Gender Affairs to ensure that the department is sufficiently resourced to facilitate the formulation and implementation of the National Policy on Gender in keeping with global development and the current policies of the Government to realise equality and equity for women and men.

11. The Policy also emphasises the strategy of gender mainstreaming through the identification and appointment of gender focal points and the establishment of an inter-ministerial committee and the gender management team. The document seeks to address issues related to domestic violence, stereotypes, household headship, religion and politically correct/gender neutral terms.

12. The Policy is currently being reviewed for transmission to the Cabinet of Barbados. The document contains specific recommendations – inter alia, to amend Section 23 of the Barbados Constitution to include an anti-discrimination clause on the grounds of sex/gender and by extension marital status and pregnancy; to collect data and compile records to establish the impact of the Ombudsman's office in relation to complaints of gender inequality; and to strengthen measures aimed at changing stereotypical attitudes about the roles and responsibilities of women and men, including through sustained awareness-raising designed in collaboration with the media and women's non-governmental organisations and educational campaigns directed at both women and men.

13. The Bureau of Gender Affairs has continued to engage in awareness raising and training activities. For instance, the Bureau has collaborated with the Regional Police Training School to sensitise the Chief Training Officer on the elements and importance of the Committee for the Elimination of Discrimination against Women (CEDAW). The Chief Justice and Magistrates have been provided with a Protocol for dealing with Domestic Violence. In coordination with the Bureau, the Business and Professional Women's Club of Barbados has conducted seminars on Domestic Violence and Trafficking in Persons as well as two Training sessions for Police and Community Stakeholders working with the

Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) community. The production of a play and film, entitled 'Simone's Place' is another Government-supported initiative that provides a perspective on the issue of same-sex and transsexual relationships.

14. The Bureau of Gender Affairs, cognisant of its role in eliminating stereotypical portrayal of gender, has organised workshops for young male students under its masculinity programme. The objective of the workshops is to sensitise participants to the concept of masculinity and to create awareness among them of how that idea impacts male behaviour.

15. It should be noted that the Ministry of Transport and Works organised a series of Gender Equality Initiative Workshops to encourage more females to consider areas traditionally deemed to be male-dominated occupations. This initiative was an outcome of an Inter-American Development Bank (IADB) project. The undertaking identified a need for more females to be employed in technical areas of the Ministry. Consequently, the Ministry held a number of workshops which targeted females particularly in Secondary Schools. These workshops aimed to sensitise participants to the benefits of choosing a technical career in the Ministry or in the wider society and were designed for 12–14 year-olds and those within the 16–18 age range.

Domestic violence (Recommendations 74, 77, 78, 79)

16. The Royal Barbados Police Force established a Family Conflict Intervention Unit in 2013. The Unit is tasked with handling domestic violence matters exclusively. In March 2017, a dedicated facility, located in the refurbished Black Rock Police Station, was opened to house the Family Conflict Intervention Unit. Provisions have been made, within this facility, for the allocation of private rooms available to victims of domestic violence, to enhance confidentiality during the interviewing process.

17. It should be noted that the Family Conflict Intervention Unit also seeks to record more detailed data on family matters. There were 220 cases of domestic abuse reported to the Family Conflict Intervention Unit between June and December 2013 and 423 cases reported in 2014. In both years, those in relationships where the victim and offender were categorised as "separated" accounted for the largest proportion of reported cases (40 per cent in 2013; 45 per cent in 2014). Between June and December 2013, 83 per cent of all reported cases involved a male aggressor. The same was true of 94 per cent of reported cases in 2014. For the period 2013 (June to December) and 2014 through to December 2016, "assaults" accounted for the majority of cases of domestic abuse reported.

18. In 2016, the Domestic Violence (Protection Orders) Act 1992 was replaced by the Domestic Violence (Protection Orders) Amendment Act 2016. The Act defines Domestic Violence as "the wilful infliction or threat of infliction of harm by one person in a domestic relationship upon another person in that relationship and includes child abuse, emotional abuse, financial abuse, physical abuse and sexual abuse".

19. The Domestic Violence Act 2016 has made significant positive changes to the protection offered to victims of domestic violence, significantly increasing the protection available against domestic violence. For instance, provision was made under the new legislation for members of the Royal Barbados Police Force to issue Emergency Protection Orders in instances where access to a court is not immediately available to a victim. There is a mandatory protocol in place for Police Officers requiring them to notify the Family Conflict Intervention Unit in cases involving domestic violence. While there is specialised training for officers assigned to the Unit, all Police Officers have been trained to address domestic violence.

20. The Domestic Violence (Protection Orders) Amendment Act 2016 has also addressed a number of legislative gaps which existed. These relate to the definition of domestic violence, which now is more broadly defined, the issue of visiting relationships which was not covered in the previous Act and the expansion of police power in domestic violence cases. Police Officers can now issue Emergency Protection Orders, which previously would have required the services of a Magistrate; enter premises on invitation or independently, once there is reasonable belief that a person is suffering or is in immediate

danger at the hands of another; and remove one of the parties from the household where domestic violence is occurring.

21. Public education is also deemed to be important to addressing violence generally and domestic violence in particular. Since 2013, the Bureau of Gender Affairs annually hosts 16 days of activism against domestic violence. This public event seeks to increase awareness against Domestic Violence and decrease its incidence. In addition, there is a national Committee on Gender, comprising representatives of the Government along with civil society organisations, which is engaged in co-ordinating and conducting general public education with respect to domestic violence on an on-going basis.

Police

22. The Royal Barbados Police Force (RBPF) is cognisant of recommendations to improve the professionalism of the police force and continues to address allegations of police harassment and torture. In addition, the RBPF continues its efforts to enhance citizen security and broaden its focus from crime control to the pursuit of goals identified through consultation with key stakeholders.

23. With regard to professionalization, polygraph testing has been introduced for all police officers at entry level. Polygraph testing is also a prerequisite in satisfying staffing needs in highly sensitive areas of the Force. Members of the RBPF receive training in customer service, public relations, human rights, community engagement, conflict resolution and officer safety. The RBPF has also started phasing in videotaping of police interviews.

24. The Government has allocated resources to ensure the continued use of polygraph testing within the Police Force with the construction of a dedicated facility to house the Truth Verification Unit, the principle users of polygraph testing within the Force. This Unit is housed in the refurbished Black Rock Police Station.

Accountability

25. The Royal Barbados Police Force continues to investigate professionally all allegations of misconduct against police officers. Such investigations are conducted by the Office of Professional Responsibility and are subject to review by the Police Complaints Authority. The Police Complaints Authority investigates reports made by citizens against police officers and then forwards the results of the investigation to the Department of Public Prosecutions. The Director of Public Prosecutions is required to review the records and determine whether to institute criminal proceedings.

26. In all instances where evidence of wrongdoing by a police officer is discovered during an investigation, the appropriate action, inclusive of disciplinary and/or criminal charges, has been taken.

27. Elements of accountability within the Royal Barbados Police Force include the Police Disciplinary Code, as enshrined in the laws of Barbados and the use of a disciplinary mechanism that includes the Office of Professional Responsibility, the Police Complaints Authority and the Office of the Ombudsman.

Training

28. The Royal Barbados Police Force continues to provide training for its officers on matters related to human rights. Such training has been conducted routinely by a range of professionals including police officers from international jurisdictions, members of the Judiciary and representatives of International Human Rights Organisations. Capacity building for the broad use of the electronic recording of interviews continued with the construction of additional interview suites during the financial year 2016.

29. The Royal Barbados Police Force has responded to the challenge of capacity building by exposing members to data analysis training by the Barbados Statistical Department. In addition, a systematic review is being conducted of the data collection

mechanisms within the Royal Barbados Police Force so that it can effectively contribute to the operational goals of external elements such as the Barbados National Statistical Department, the proposed Regional Crime Observatory and the Criminal Justice Research and Planning Unit.

30. The Royal Barbados Police Force continues to invest in the training of its officers as this is considered a critical strategy in the fight against domestic violence. Training is directed at several broad areas that include prevention, investigation, victim support and reducing opportunities for the police to function as the perpetrator of domestic violence. Training has been acquired, for police officers, from a range of sources that include the Regional Police Training Centre.

Death penalty (Recommendations 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70)

31. The Government of Barbados, through the Office of the Attorney General and the Office of the Director of Public Prosecutions, has considered the death penalty and there is a Bill before Parliament at the moment to debate removal of its mandatory aspect. In the event that Parliament approves, all prisoners who have been sentenced to death will have their sentences commuted to terms of imprisonment by the Courts. In that way, the Government will have responded to the order of the Inter-American Court to remove the mandatory death sentences for murder and treason and to ratify the Optional Protocols to the International Covenant on Civil and Political Rights.

32. On 17th May 2017, the Court of Appeal ruled in Jebarri Nervais v. The Queen and Dwayne Severin v. The Queen that the mandatory death penalty was not unconstitutional. The Court further stated that the Court interpreted the law and it would be for Parliament to make any change to section 2 of the Offences against the Person Act which provides for the mandatory death penalty for murder.

33. It should be noted that there is currently an Offences against the Person (Amendment) Bill 2014, which seeks to eliminate the mandatory nature of the death penalty. The Bill awaits final Parliamentary approval at its second reading.

Labour

34. Barbados through its Ministry of Labour, Social Security and Human Resource Development is in the process of furthering draft legislation which would address comments made by the ILO Committee of Experts in the report by UN agencies for Barbados' 2nd UPR. For example, the Employment (Prevention of Discrimination) Bill, refers specifically to the right to work and to just and favourable conditions of work. The draft legislation seeks to protect persons from discrimination related to employment on the basis of race, origin, political opinion, colour, creed, sex, social status, marital or domestic partnership status, pregnancy, maternity, family responsibility, medical condition, disability and age. The main sections of the Bill are covered by the following headings: discrimination, exceptions, enforcement and miscellaneous. The latest draft of the Employment (Prevention of Discrimination) Bill is being addressed by the Chief Parliamentary Counsel (CPC).

35. The Ministry of Labour, in keeping with Government's commitment to ensuring safe and productive work places, has seen the enactment of the Employment Sexual Harassment (Prevention) Act 2017. The legislation requires, *inter alia*, every employer to ensure that there is a clear written policy statement against sexual harassment within the workplace. The Act also requires that a statement of that written policy be presented to each employee on the commencement of employment; and that within six months of the commencement of the Act, every employer must ensure that the written policy statement against sexual harassment is prepared and presented to each member of staff.

36. The legislation has several objectives. It seeks to provide for the protection of employees in both the public sector and private sector from sexual harassment at their

workplaces, provide a framework for the reporting of sexual harassment cases by employees and a method of resolving such cases, establish a procedure for the hearing and determination of matters related to sexual harassment, and provide for related matters.

Rights of persons with disabilities (Recommendations 11, 12, 13, 14, 15, 16, 17)

37. Barbados, in keeping with its commitments to promote and protect the rights of citizens and with the recommendation of Member States, ratified the Convention on the Rights of Persons with Disabilities on 27 February 2013.

38. The Barbados Statistical Service conducted a Population and Housing Census and compiled information relating to the type and the origin of disability, aids used by disabled persons and the number of persons diagnosed by a medical practitioner.

39. This survey revealed the need for further in-depth assessment. This would include undertaking a full count of the disabled population and identifying the various characteristics of each disabled person in order to ascertain the most effective levels of intervention, appropriate medical care and adequate provision for the welfare of the disabled. This may best be done through consultation and a registration process with local NGO agencies and the National Disabilities Unit.

40. The Department of Emergency Management, as part of its comprehensive National Disaster Management Programme, has prepared literature to promote greater public awareness about disaster preparedness, which specifically targets persons with disabilities and special needs, including the elderly.

Children with disabilities

41. All children with disabilities are referred to the Albert Cecil Graham Development Centre, a diagnostic and therapeutic centre. There they receive the appropriate therapy free of charge.

42. The National Disabilities Unit (NDU) under the purview of the Ministry of Social Care, Constituency Empowerment and Community Development, facilitates, advocates and promotes the advancement and empowerment of persons with disabilities, in order to ensure equal opportunities for integration and participation in all aspects of community living. The NDU also hosts "Camp Reach" - an annual summer camp which incorporates children without disabilities as well as children living with disabilities, in an environment where they are all encouraged to play and learn together.

43. While there is a daily transport programme to take children to schools, there are still challenges with respect to access to education. The Barbados Council for the Disabled, in collaboration with the Ministry of Education, has identified 10 schools for accessibility adjustment. One has been retrofitted so far by private funding – St. Elizabeth's Primary which was fitted with ramps for a child with a mobility challenge. Efforts are ongoing to secure funding to retrofit other schools.

44. A new state of the art learning institution for persons with disabilities was opened in 2015 through a public/private sector partnership. The Derrick Smith School and Vocational Centre is designed to support the social, emotional, academic and physical development of adolescents and adults with developmental delays. The curriculum is based on the Ministry of Education's primary and secondary schools curricula, modified in order to adequately support the students' needs.

45. The Government has also invested in a Technology Programme, catering to blind and visually impaired children, which aims to achieve improved educational outcomes. Under the programme, representatives from the NDU make an initial visit to a school, assess the learning needs of students and make suggestions as to the technological tools needed to maximise success in their academic pursuits. Thereafter, weekly visits are made to the school for monitoring, evaluation and adjustments. These children are monitored constantly and the intervention lasts for their entire secondary school life.

46. The Unit also caters to a number of children from various schools through the call-a-ride system of the Transport Board which caters for approximately (60) sixty children daily. The activities undertaken by the children include going for physical therapy, dialysis and going to and from the various schools. Transportation to various rehabilitative activities (e.g. swimming) across the island is also provided by the Unit for children with disabilities between the ages of five (5) and eighteen (18).

Promoting the rights of children

47. Since the last UPR session, the Government has implemented various measures to promote the rights of children and to protect them from instances of abuse. The commitment to providing information and activities to sensitise the public about child abuse was also maintained.

48. The 2016 amendment of the Domestic Violence (Protection Orders) Act Cap 130A was a significant step forward in relation to domestic violence. The amendment enabled more persons to apply for orders (such as those in visiting relationships), defined new types of abuse, and gave police additional powers. The amendment also includes a Mandatory Reporting Protocol and acknowledges that the observance of domestic violence is a form of child abuse.

49. A major social initiative is the Partnership for Peace Programme operated by the Ministry of Social Care, Community Development and Constituency Empowerment. This is an intervention initiative which targets men who have perpetrated domestic violence. Participants are referred to the programme through the Magistrates' courts. The Partnership for Peace consists of sixteen (16) weeks of psycho-educational intervention which assists men in finding peaceful solutions to deal with domestic conflict.

50. In relation to child abuse, a Draft Mandatory Reporting Protocol has been submitted to the Child Care Board. Stakeholders have been encouraged to adopt the Protocol until such time as it is statutorily enacted. The Board has trained over 200 public and private health practitioners, including nurses, in the use of the Protocol and has sensitized Principals, Guidance Counsellors and support officers. The Child Care Board is also carrying out ongoing training with sports personnel and churches. The Board has already conducted workshops for Policemen, Probation Officers, Welfare Officers and representatives of the media.

Human rights education

51. As it relates to the recommendation for elaboration of programmes for human rights education, the Ministry of Education, Science, Technology and Innovation (METI) has been collaborating with the United Nations' Children's Fund (UNICEF). The teaching of Health and Family Life Education (HFLE) in primary and secondary schools has been mandatory since 2000. However, in order to be more responsive to the changes within society, there have been several revisions to the HFLE curricula. As such, the HFLE secondary curriculum now addresses the issue of gender identity and sexual orientation. The exposure of educators to training related to effective delivery of HFLE has also intensified. Several workshops were held for teachers and Guidance Counsellors in secondary schools.

Corporal punishment

52. Since 2012, through the Schools' Positive Behaviour Management Programme (SPBMP), which is administered by METI and supported by United Nations Children's Fund (UNICEF), civil society groups have received training related to positive behaviour support. This training began with groups from the Evangelical, Anglican and Methodist churches and continued up to 2016. In addition to civil society groups, training has been conducted for parents as well as bus drivers, school wardens and some police officers from the Traffic Division. One of the main areas of focus for this training has been the provision of alternatives to the use of corporal punishment.

53. In addition to attempts to change attitudes towards corporal punishment among adults, training has also been conducted with secondary school students. This training has been conducted by METI in collaboration with UNICEF every summer since 2012. During the period 2012 to 2014, the emphasis of this training was providing the students with skills to develop and communicate advocacy messages related to corporal punishment and human rights in general. As a consequence of this training, several high quality videos have been produced.

54. While corporal punishment is still a legal sanction, efforts continue to be made to reduce its use in schools. Consequently, training for teachers in the use of alternatives has been conducted in several public and private primary and secondary schools.

55. A Draft Behaviour Policy has been completed by METI and is currently at the stage of stakeholder consultations. This Behaviour Policy provides a broad set of guidelines for schools, with the structure necessary for the development and implementation of school level discipline and procedures, as set out under the Education Act, Education Regulations and national policies. Once the Behaviour Policy has been finalised and implemented, it is expected to provide a systematic approach to promote quality education for all; ensure that the stakeholders across all schools adhere to the same standards of behaviour; provide set procedures for handling behaviour that is accessible to all stakeholders; and ensure that a positive approach to managing behaviour is employed across all schools.

Emphasis on youth

56. Coming out of the National Juvenile Justice Conference held in April 2015, it was recognised that the existing legislative framework regarding children in conflict with the law had become archaic. To this end, the Draft Juvenile Justice Bill seeks to provide for the establishment of a new Juvenile Justice System and the repeal of the following Acts: Juvenile Offenders Act, Cap. 138; Juvenile Offenders Rules, 1933; and Reformatory and Industrial Schools Act, Cap. 169. The final Draft, which encompasses the comments of the relevant stakeholders, is currently with the Office of the Chief Parliamentary Counsel.

National youth parliament

57. The Ministry of Culture, Sports and Youth, recognising the importance of adequate participation by young people in the political process recommended the establishment of a Barbados National Youth Parliament (BNYP). This initiative was considered to be a best practice to provide opportunities and platforms for young people to learn about politics, democracy, social work and the parliamentary system.

58. The broad goals of the BNYP include: increasing political participation among young people and connecting said youth with the existing members of parliament to help them develop and understand the role parliament plays within society and the world around them; promoting a successful and effective youth parliament that can be relied upon to stimulate growth and change amongst its participants, organisers and the wider community; and ensuring that the voice of the Youth is heard not only in the streets of Barbados but in its Parliament regarding what young Barbadians stand for and against.

59. The BNYP was launched on 15th April 2014 in an official ceremony at the Parliament, over which the President of the Senate, Her Honour Kerry Ann Ifill and His Honour, Speaker of the House of Assembly, Mr. Michael Carrington, presided. The feature address was delivered by the Minister of Culture, Sports and Youth, the Honourable Stephen Lashley. The participation of these persons signals the deep importance ascribed to youth involvement in civil and political affairs by the Government of Barbados.

Housing

60. The Government of Barbados, through its executing agencies, the Ministry of Housing and Lands, the National Housing Corporation, the Rural Development Commission and the Urban Development Commission, has continued to ensure that citizens have access to decent, safe and affordable housing as well as security of tenure.

Although the needs of the most vulnerable are met by local social agencies such as the Welfare Department, the Ministry of Social Care and the National Assistance Board, the Ministry has sought to facilitate the remits of these agencies by providing lots for the construction of houses and rental units.

61. The Government, therefore, has embarked on and continued a number of programmes and projects aimed at homeownership for the widest majority of Barbadians and providing adequate housing.

Re-siting of households from unsafe environments

62. The Ministry of Housing and Lands has been charged with the responsibility of relocating twenty-two priority households from White Hill, St. Andrew to Farmers, St. Thomas. White Hill, St. Andrew is an area located within the Scotland District that is prone to land slippage, which has affected the structural integrity of the houses of these residents. In resettling these householders, two methods have been used, either new replacement houses are built for beneficiaries or a relocation grant is provided for the householder to re-site the existing house onto a lot allocated within a Government development.

63. Under Phase 2 of this relocation programme which commenced in 2007, nine (9) householders have been relocated. The Ministry is in the process of relocating the other thirteen (13) household in stages, given existing budgetary constraints. The Government is cognisant of the precariousness of the area and as a result medium and long term measures are being evaluated to ensure the safety of residents who remain.

Housing for persons living with HIV (PLHIV)

64. While being committed to a policy of de-stigmatisation of PLHIV, the Ministry, in collaboration with representatives from the Ministry of Health, the National HIV/AIDS Commission, the Urban Development Commission and the Rural Development Commission, continues to assist clients requesting urgent housing accommodation.

65. The Ministry of Housing and Lands currently provides rental accommodation for fifteen (15) PLHIV. In addition to rental accommodation, repairs are also undertaken to the homes of persons living with HIV. Approximately 20 persons have benefitted from repairs to their homes from 2013–2017.

Economic development (Recommendations 105, 106, 107)

66. The Government has sought to strengthen the institutions that promote Barbadian culture and agencies for community development. Efforts are ongoing to promote and support the cultural industries to encourage enterprise development, entrepreneurship and self-employment.

67. The Government has also continued to promote and support regional and international initiatives which provide for the preservation and development of cultural heritage and diversity. In August 2017, Barbados hosted CARIFESTA XIII, the largest gathering of Caribbean arts and culture, under the theme "Asserting Our Culture, Celebrating Ourselves", which showcased a rich programme of performing arts (music, theatre, dance, poetry); visual arts, fashion, food and literature.

68. The Prime Minister's Office and the Advisor on Poverty Eradication and the Millennium/Sustainable Development Goals continued to collaborate with the Ministry of Social Care, Constituency Empowerment and Community Development to tackle intergenerational poverty through intervention at the household level.

69. Several programmes have been developed to combat intergenerational poverty by developing economic opportunities. One such programme, Women Entrepreneurs of Barbados (WEB), has been successful in promoting handmade crafts with products finding national and regional markets. It has resulted in the establishment of a cooperative, Women Entrepreneurs Cooperative Society Ltd., with over one hundred members, because of significant growth in the sale of its products.

70. The Youth in Agriculture programme has also met with success. Open to persons between 17 and 35 years of age, the programme exposes participants to agricultural and life skills over the course of at least one year. This provides essential, practical and theoretical skills in animal husbandry and crop management, with a mentorship component included.

IV. Legislation

71. The Evidence (Amendment) Act was assented to by the Governor-General on the 9th March 2015 and is to come into operation on a date fixed by proclamation. The Act amends the Evidence Act, Cap 121 by making provision for sound recordings and video identifications of suspects and came into operation on 15th December 2017.

72. The Chief Parliamentary Counsel has also produced the Evidence (Identification of Persons) Regulations 2015 and the Evidence (Sound Recording) Regulations 2015. These two sets of Regulations establish the operational procedures to be followed in the video identification of persons and in the sound recording of suspects respectively.

73. The greater part of the Police Force has been trained in techniques related to electronic interviewing and provision has been made at the various Police Stations to upgrade the equipment used to record interviews.

Death penalty

74. In January 2009 the Cabinet of Barbados agreed that the mandatory aspect of the death penalty should be abolished; Section 2 of the *Offenses Against the Persons Act* should be amended accordingly by the Chief Parliamentary Counsel; and Section 26 of the Constitution should be repealed.

75. Section 2 of the ***Offences Against the Person Act*** prescribes the death penalty as the mandatory punishment for the crime of murder. A legislative amendment to the Act that will abolish the mandatory imposition of the death penalty had its first reading in Parliament towards the end of 2014 and is now to be read a second time.

76. The Offences Against the Person (Amendment) Bill seeks to eliminate the mandatory nature of the death penalty by giving the judge the jurisdiction to make the choice to impose the death penalty or a term of imprisonment for life for the commission of the offence of murder. The Bill also makes provision for the Court, where it elects to impose imprisonment for life in respect of a person convicted for murder, to have the choice of two orders. The Court may order that the term of imprisonment for life shall be served without the possibility of the grant of a release order where the Court is satisfied that the person poses a serious danger to the public; or impose the term of imprisonment for life with the possibility for the grant of a release order.

Prisons (Amendment) Act 2015

77. The primary object of the amendment to the ***Prisons Act, Cap 168*** is to facilitate the operation of the amendment to the ***Offences Against the Person Act*** that makes provision for the possible grant of release orders where a person has been given a life sentence for the offence of murder. It was determined that the ***Prisons Act*** should be amended to provide for the establishment of an entity to be known as the "Prisoner Release Board" which shall be given the appropriate judicial powers to grant release orders.

Abolition of corporal punishment in prison

78. Section 40 of ***the Prisons Act*** that deals with corporal punishment was repealed. Section 40 was seen as infringing section 15 of the Constitution that prohibits the infliction of inhuman or degrading punishment. The Act was assented to by the Governor-General on the 9th March 2015.

79. Proposed legislation has also been prepared in relation to the Penal System Reform (Amendment) Bill. ***The Penal System Reform Act Cap. 139*** provides general guidelines for sentencing. The amendment will, among other things, allow the court to give consideration to mitigating factors such as the age of the offender and the circumstances or facts of the offence and the degree of the offender's involvement in the offence.

80. When enacted, the existing law will be changed so that the death penalty will no longer be automatically imposed. The sentencing judge may request a pre-sentencing report before imposing the sentence.

Police Complaints Authority Act

81. The Government is in the process of reviewing draft legislation intended to grant the Police Complaints Authority legal authority to independently investigate allegations of misconduct by police officers.

82. A Bill to repeal and replace the Police Complaints Authority Act, Cap.167A has been drafted and is being circulated for comments. When enacted, the Police Complaints Authority Act 2017 will empower the Police Complaints Authority to independently investigate complaints against members of the Royal Barbados Police Force and initiate an investigation into incidents involving members of the Force. The Bill would also require the Commissioner of Police to notify the Police Complaints Authority of any incident in which a member of the Force is involved in a situation which results in the death or serious bodily harm of a person and requires the Police Complaints Authority to notify the Commissioner of Police, among other related matters.

83. The proposed legislative amendments are intended to create a more independent agency to treat to concerns raised by members of the public. The changes are aimed at remedying the deficiencies in the legislation and empower the Authority to investigate serious police misconduct, police corruption and criminal offences committed by police officers.

84. As the Government seeks to improve through legislative adjustment the functioning of the Police Complaints Authority, it should be noted that the Royal Barbados Police Force (RBPF) continues to be recognised as an accredited law enforcement agency as noted by the internationally recognised Commission for the Accreditation of Law Enforcement Agencies (CALEA). It should also be noted that the operational framework of the Force is guided by a requirement to adhere to a broad range of policing standards.

85. The legal use of force by members of the RBPF is guided by a Manual on the Use of Force and a specific policy on the use of force. In all instances where force is used by police officers in the furtherance of a legal objective, such action becomes the subject of both an administrative and criminal review. These reviews address critical issues such as policy compliance, training needs, compliance with legal requirements and adherence to human rights requirements.

Safety and Health at Work Act

86. This Act makes provision (a) for securing the health, safety and welfare of persons at work; (b) for protecting other persons against risks to health and safety in connection with the activities of persons at work; (c) for controlling certain emissions into the environment; (d) to consolidate the law relating to health, safety and welfare in the workplace; and (e) for related matters.

87. The Act was proclaimed on 1 January 2013 at which time the Factories Act, Cap 347 was repealed.

Employment Rights Act 2012

88. This Act confers on employed persons, new employment rights. Among the rights provided for is a right to a statutory minimum amount of notice of termination for both employers and employees. The Act provides employees with the right, at the commencement of employment, to a written statement of the particulars of the employment; the right, whenever salary or wages are paid, to a written statement of the particulars of the payment; the right to be consulted before being laid off or placed on short-time; the right, if dismissed for redundancy, to priority on re-hiring in certain circumstances; the right, where employment has ended, to a certificate giving particulars of the employment including, where the employment ended by dismissal (should the employee so wish), a statement of the reasons for the dismissal; and the right not to be unfairly dismissed.

89. The Act establishes a tribunal called the Employment Rights Tribunal for the determination of issues relating to the new rights, but provides that complaints must first be referred to the Chief Labour Officer for an opportunity for a settlement to be reached by conciliation.

90. If a settlement is not reached, the Tribunal is given wide powers, subject to an appeal to the courts on questions of law, to determine complaints. These powers include, in appropriate cases, the power to award compensation and to order reinstatement or re-engagement of an unfairly dismissed employee.

Employment Sexual Harassment (Prevention) Act 2017

91. The Government is committed to providing conditions that promote workplaces that are free of sexual harassment. The Employment Sexual Harassment (Prevention) Act 2017 creates the legislative framework in support of this goal. The Act, for example, requires employers to create workplace policy statements against sexual harassment, which contain a definition of sexual harassment in keeping with the definition in the Act. These policies are also to include clear statements that indicate that every employee is entitled to employment free of sexual harassment and that the employer will make every reasonable effort to ensure that no employee is subjected to sexual harassment. Employees are to be informed through the written and stated policy about how the employer will undertake disciplinary measures as they deem appropriate in dealing with complaints of sexual harassment. The policy is also required to outline the complaint procedure and protect the identity of a complainant or the circumstances related to the complaint except where disclosure is necessary for the purposes of investigating the complaint or taking disciplinary action.

V. New and emerging issues

92. The National Human Rights Coordinating Committee, through consultation with representatives of Civil Society Organisations, identified issues related to paternal access to children and paternity leave as areas that will require closer attention. Dialogue around this issue highlighted concern on the part of some fathers that generally where a child was born to unmarried parents, the child's mother was automatically seen as the guardian even in instances when this would not be in the best interest of the child. In addition, it was observed that fathers were sometimes hindered by mothers from having a relationship with their child and the legal system was slow to respond positively on behalf of such fathers and their children. The Committee was also encouraged to consider the proposal for paid paternity leave.

93. A matter that was also raised was the concern on the part of some members of the Rastafarian and Muslim community regarding their ability to cover their heads while having photographs taken for official documents like licenses and passports.

94. The Committee was also encouraged to raise awareness regarding mental health issues and to enhance efforts to reduce the stigma associated with mental health conditions.

VI. Expectations of the State

95. The Government of Barbados remains committed to respecting human rights, as embodied in the Universal Declaration of Human Rights and its two corresponding covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. As the current National Report has outlined, this commitment has been demonstrated in the legislative and other measures taken over the past four years. These measures are all aimed at ensuring that there is adequate support at the national level for practices and policies that provide for fair compensation, equal opportunity, safe and healthy workplaces and communities and the overall high standard of quality of life for persons in Barbados.

96. It is recognised, however, that there are issues that require resources that are not available to the Government. It is considered that the work of the United Nations in Barbados is critical in supporting the mobilisation of resources in support of the goals articulated out of its international commitments. It is in this vein, for instance, that requests have been made for technical assistance to develop and deploy appropriate statistical indicators to obtain disaggregated data to analyse the activities in which women and men engage. Similarly, assistance has also been requested to develop the capacity of technical officers to ensure Barbados' ability to submit reports in a more accurate and timely fashion to the UPR, Treaty Body and other processes.

VII. Conclusion

97. **The Government of Barbados is resolute in its commitment to the promotion and protection of the human rights at home and abroad. At the national level there has had to be an emphasis on creative mechanisms and processes that would aid in the attainment of these goals even as economic conditions constrain the Government's room to manoeuvre on behalf of those who are most deserving of assistance and support. Notwithstanding these difficulties, the national human rights infrastructure remains robust. In addition, the related social protection system, though strained, has not been compromised.**

98. **In Barbados, we still enjoy the free education and health care systems. There is access to clean piped water to practically all households, a heavily subsidised public transportation system, free sanitation and community development services aided by a social welfare system that touches the elderly, children, the unemployed and the indigent.**

99. **Each citizen in Barbados is guaranteed high quality medical treatment within the network of polyclinics or the Queen Elizabeth Hospital when entering as public patients, free of charge. Each school age child in Barbados is also provided with a place, at the Government's expense, in a school from primary to secondary and, for those who matriculate further in post-secondary institutions, education and training free of cost at point of delivery. Such outlays are indicative of the Government's recognition of its responsibility to safeguard and strengthen the inherent rights of all Barbadians.**